ERRORS IN WILLS.

Two Famous Lawyers Whose Testaments Were Defective.

TILDEN'S CURIOUS BLUNDER.

Loosely Drawn Stipulations That Invalidated His Charitable Trust Bequest—President Polk's Will, Written by Himself, Nullified.

Whether the old saying that "a lawyer who tries his own case has a fool for a client" is applicable to Samuel J. Tilden in the matter of drawing his will is not known. It was thought for some time that the will was drawn, or at least approved, by Charles O'Conor and James C. Carter, two of the most eminent lawyers in New York, but later statements, says Case and Comment, are to the effect that they had nothing at all to do with the will, and consequently it is not definitely known who was responsible for it.

It would hardly seem possible that Mr. Tilden himself could have made such a mistake had he been acting for some one else. The statement has been made that Mr. Tilden had some doubts as to the validity of those clauses which the court subsequently condemned and had spoken to Mr. Carter about it, but nothing more came of it.

In summing up the provisions of the Tilden will the court in holding it invalid stated that the testator in substance said: "I have determined to devote my estate to charitable, educational and scientific purposes. I have formed no detailed plan how that purpose can be executed, but under the law of New York it must be done through and by means of a corporation. I request you to cause to be incorporated an institution to be called the 'Tilden trust,' with capacity to maintain a free library and reading room in the city of New York, and such other educational and scientific objects as you shall designate, and if you deem it expedient—that is, if you think it advisable and the fit and proper thing to do—convey to that institution all or such part of my residuary estate as you choose, and if you do not think that course advisable then apply it to such charitable, educational and scientific purposes as in your judgment will most substantially benefit mankind."

It will be noted that the discretion of the trustees was indefinite both as to the amount which they were to give to the corporation to be formed and also as to whether they should give any at all to the incorporation, and the validity of the bequest was denied upon the ground of this complete discretionary power to convey or not to convey to the suggested beneficiary.

The trustees procured the incorporation of the "Tilden trust" and elected to convey to it the entire property, but the court held that the invalidity of the charitable trust because of its uncertainty could not be cured by anything done by the trustees to execute it.

In striking contrast with the Tilden will is that of his contemporary in law and politics, Roscoe Conkling, the text of which is as follows: "I, Roscoe Conkling of Utica, make, publish and declare my last will and testament as follows: I give, devise and bequeath to my wife Julia and to her heirs and assigns forever all my property and estate, whether real or mixed, and I constitute and appoint my said wife sole executrix of this my last will." It would undoubtedly take a better lawyer than even Mr. Conkling to break his will.

In passing upon the validity of the will of President James K. Polk a Tennessee court of chancery said: "This will was written by the testator with his own hand in the executive mansion at Washington at a time when he was president of the United States. He was a lawyer of recognized ability, had filled many high public offices with distinction and reflected great honor upon his state. His will was witnessed by a law partner and a senator in congress and named as executor one of the justices of the supreme court of the United States. It comes to us with the impression of having been carefully thought out before it was formally put down and published as his last testament."

Among other provisions his home, known as Polk Place, situated in the city of Nashville, was given to his wife for life, and upon her death it was bequeathed to the state of Tennessee in trust to be occupied and enjoyed "by such one of my blood relatives having the name of Polk as may by designated by the said state," and if there were no blood relatives of that name then "by such other of my blood relations as may be designated by the said state to execute this trust."

The occupant was to keep the same in repair and prevent it from dilapidating or falling into decay, to pay the taxes and to preserve and keep in repair "the tomb which may be placed or erected over the mortal remains of my beloved wife and myself and shall not permit the same to be removed nor any buildings or other improvements be placed or erected over the spot where said tomb may be."

This will was declared invalid as tending to establish a perpetuity. It was not a gift for public charity and was merely an attempt to retain the property for the use of the blood relatives of the testator.

How easy it is for one to suggest a sure way for some one else to manage a troublesome affair!

NOT A GAME OF CHANCE.

After a Test the Jury Decided That Seven-up Was Decidedly Scientific.

One of Mark Twain's old time stories concerned the game of seven-up, or old sledge. Some Kentucky boys were arrested for playing this game under the usual charge of playing a game of chance. When they were brought before the judge their lawyer claimed that this game was not a game of chance, but was a game of science. The court, puzzled, asked for a suggestion, and the lawyer declared that if a jury of six gamblers well acquainted with the game in a scientific way and six deacons be impaneled with a pack of cards their decision ought to be determinative. So the story goes:

"There was no disputing the fairness of the proposition. Four deacons and the two dominies were sworn in as the 'chance' jurymen, and six inveterate old seven-up professors were chosen to represent the 'science' side of the issue. They retired to the jury room.

"In about two hours Deacon Peters sent into court to borrow $3 from a friend. In about two hours more Dominie Miggles sent into court to borrow a 'stake' from a friend. During the next three or four hours the dominie and the other deacons sent into court for small loans.

"The rest of the story can be told briefly. About daylight the jury came in, and Deacon Job, the foreman, read the following verdict:

"'We, the jury in the case of the commonwealth of Kentucky versus John Wheeler et al., have carefully considered the points of the case and tested the merits of the several theories advanced and do hereby unanimously decide that the game commonly known as old sledge, or seven-up, is eminently a game of science and not of chance. In demonstration whereof it is hereby and herein stated, iterated, reiterated, set forth and made manifest that during the entire night the "chance" men never won a game or turned a jack, although both feats were common and frequent to the opposition, and furthermore in support of this our verdict we call attention to the significant fact that the "chance" men are all broke and the "science" men have got the money. It is the deliberate opinion of this jury that the "chance" theory concerning seven-up is a pernicious doctrine and calculated to inflict untold suffering and pecuniary loss upon any community that takes stock in it.'"

SLEEPING SICKNESS.

The Grip This Dreadful Disease Takes Upon Its Victims.

The course of the dreadful disease, sleeping sickness, is an extremely slow one. The first stage is said to last a year or more, and the cause of the disease may be in the blood long before any symptoms whatever present themselves. The patient has occasional fever; indeed, a disease hitherto called Gambia fever has recently been recognized as the first stage of sleeping sickness. It is said that the swelling of the lymphatic glands of the neck is a characteristic early symptom. This was known in 1803 to Dr. Winterbottom, who states that slave traders, recognizing the symptom of a fatal disease, would not buy slaves who had this glandular enlargement. The patient feels well and strong and is able to go about his usual occupations.

The second stage is indicated by a distinct change in the appearance of the patient. His expression grows heavy and dull; he becomes apathetic, lies around a great deal and cannot exert himself. With the progress of the disease these symptoms become more marked; walking and speech become difficult and finally impossible. During the last week the sufferer lies in a state of complete coma, from which the illness derives its name. Often during the second stage of the disease the brain becomes affected, and some of the patients try to run away into the forests or swamps, where they die of exposure or starvation. To prevent this the relatives of a sufferer frequently chain him down until the time comes when he can no longer move.—McClure's Magazine.

Some Famous Men of Old.

The "nine worthies" were Joshua, David, Judas Maccabeus, Hector of Troy, Alexander the Great, Julius Caesar, King Arthur of Britain, Charlemagne of France and Godfrey of Bouillon. The list varies somewhat, but this is the most popular one. The "seven wise men of Greece" were Solon, Thales, Pittacus, Bias, Cleobolus, Myson and Cheilon of Sparta. The supposition is, of course, that these were not the only wise men in Greece, but the wisest.—New York American.

Waiting For Him.

"Yes, mum," said Poetic Pete as he twined an autmun leaf through his buttonhole. "I am a great lover of the romantic. I stopped at dis gate because I saw de sign 'Idlewood.'"

"You did?" approved the housewife. "Well, there is a lot of idle wood down at the wood pile. Just take this ax and split up half a cord."—Chicago News.

A Greater Attraction.

Herr Harden told of a meeting at Gastein between William I. and Francis Joseph. The Austrian sovereign commented impatiently on the too pressing attentions of the crowd. "It won't last long," returned his ally soothingly. "Bismarck will be here directly, and then no one will look at us."—London Spectator.

A mere madness—to live like a wretch and die rich.—Burton.

COLOR AND SOUND.

Hues That Humans Cannot See and Tones Louder Than Thunder That Are Unheard.

The primary colors shown in the rainbow vary from red to blue and violet, and the vibrations or lengths of the light waves that give us violet grow shorter and shorter and at length give us red. These vibrations can be measured. One day, quite by chance, I came across the statement that there were innumerable light waves longer than those which give violet. At once the question sprang, Were these longer waves represented by colors which we don't see, colors for which we have no name, colors of which we can form no conception? And was the same thing true of the waves which, growing shorter and shorter, give us the sensation of red? There is room, of course, for myriads of colors beyond this other extremity of our vision. A little study convinced me that my guess was right, for all the colors which we see are represented to our sense of feeling in degrees of heat; that is, blue shows one reading on the thermometer and red a higher reading, and by means of this new standard I discovered that man's range of vision is not even placed in the middle of the register of heat, but occupies a little space far up toward the warmer extremity of it. There are thousands of degrees of cold lower than blue and hundreds of degrees of heat above red. All these gradations are doubtless represented by colors which no human eye can perceive, no human mind imagine. It is with sight as with sound. We know now that there are noises louder than thunder which we cannot hear, the roar that lies on the other side of silence. We men are poor restless prisoners, hemmed in by our senses as by the walls of a cell, hearing only a part of nature's orchestra and that part imperfectly; seeing only a thousandth part of the color marvels about us and seeing that infinitesimal part incorrectly and partially.—Forum.

THE DEATH OF A CZAR.

Dramatic Story of the Way Nicholas I. Committed Suicide.

There are various stories of the death of the Czar Nicholas I. Here is one which the great singer Mario heard from a doctor of the court and which is told in "The Romance of a Great Singer:"

"When the Russian army was meeting with reverse after reverse in the Crimean war the czar sent for his doctor and demanded to know which was the quickest and most painless poison that he knew of, bluntly telling the startled physician that he had resolved to commit suicide. He further warned the doctor in the stern manner which was his characteristic that if he were not obeyed the doctor's life would be worthless. He sharply silenced the man's nervous remonstrances and commanded him to bring the poison. The doctor did not dare to refuse and a few minutes later brought a small vial containing the poison, which he assured the czar would deprive any one of existence in a few minutes. To be sure that he had been obeyed and that the doctor was speaking the truth the czar obliged him to remain in the room warning him that if the poison failed his life should answer for it. The czar took the poison without the least tremor or the movement of a muscle, and, although twice told by the doctor, who held his watch in his hand, that there was time to save him by an antidote should he alter his mind, the czar refused, answering the second entreaty by simply waving the man away, he by that time being unable to speak. It was given out that the czar had died from the effects of a severe chill, but those who knew the facts also knew that he had committed suicide rather than face the defeat of his army."

Carlyle an Intemperate Smoker.

For about seventy of his eighty-six years Carlyle smoked and made most of his contemporaries smoke. The trouble with him was that he was too fond of smoking a rank pipe on an empty stomach. That gave him pains and his contemporaries particular pains, for "puir auld Carlyle" was as savage as a meat house dog all the time. He cared for but two men in the world, Tennyson and Dickens. All the rest were "puir, feckless, reckless, intemperate bladders and gas bags," and all because Tom did not know how to clean his pipe and keep it clean and would smoke before breakfast.—Tobacco Leaves.

Breaking the Sabbath.

Two Scots, one old and the other young, set out one bright winter Sunday morning to walk ten miles to kirk. The sun shone gloriously. The frozen road rang under their feet. The cold, pure air was as exhilarating as wine. The younger Scot looked up at the glittering blue sky and said:

"It's a fine day."

The older man frowned and answered:

"Aye, it is a fine day, but is this a day to be talking about days?"

Doubtful Vocalism.

"There is only one trouble about a Chinese cook," said the man from the west.

"What is that?"

"You can never tell whether he is singing at his work or whether he has burnt himself and is moaning with pain."—Washington Star.

A Friendly Suggestion.

Baron (to creditors)—I see no hopes of being able to pay what I owe you. Why not organize a suicide club?—Meggendorfer Blatter.

MIGHTY ARCTURUS.

If This Star Were Our Sun It Would Instantly Consume the Earth.

The parallax of a star is its angular displacement as seen from two opposite points on the earth's orbit. The base line employed in this gigantic species of surveying is 186,000,000 miles in length, but the calculation is reduced to the semidiameter of the orbit. The results are at the same time amazing and instructive.

Let us take the famous star Arcturus, often called the "star of Job" because in the Old Testament the Almighty is represented as saying to the unfortunate patriarch, who maintains a certain dignity in spite of his helplessness and his sufferings, "Canst thou call forth Arcturus and his sons?"

Many conflicting measures of the parallax of Arcturus have been made, but the latest made at Yale seem more probably correct than their predecessors. They fix the parallax at 0.066 seconds—i. e., sixty-six one-thousandth of a second of arc. From this it is easy to calculate the distance of the star. It comes out at nearly 290,000,000,000,000 miles (two hundred and ninety trillion miles). This is more than 3,000,000 times the distance of the earth from the sun.

Having this distance, we can calculate the actual amount of light shed by Arcturus, or, in other words, its actual brightness as compared with that of our sun, on the supposition that both were at the same distance from us. We thus find that Arcturus exceeds the sun as a light giver about 2,500 times! It is a sun 2,500 times brighter than ours.

Put the earth as near to Arcturus as it is to the sun and all life would disappear from its surface as if swept off by a blast of inconceivable heat. The summer temperature would rise to tens of thousands of degrees. The oceans would boil away. Vegetation would be burned up in a twinkling. The eyes of living beings would char in their sockets. The plains and mountains would burst into flame. Minerals would run in molten streams. There would be no comfort for a living world nearer to Arcturus than about 4,000,000,000 miles. If he has planets he must keep them at a respectful distance. And yet nearly 300,000,000,000,000 miles from him we can look into his blazing eye and see only a bright star.

Still, Dr. Alfred Russel Wallace maintains that this little earth, this tiny attendant of a tiny sun, is the only seat of intelligent life—outside of the misty midregion of disembodied spirits—that the universe contains, and Dr. Wallace is a learned man. But his learning is not that which astronomy offers.—Garrett P. Serviss in New York American.

Unavoidable Delay.

A woman went before the magistrate and modestly inquired:

"Your honor, can I have a warrant for the arrest of my husband? He boxed my ears yesterday."

"Certainly, ma'am," replied the judge. "I will make out a warrant on the ground of assault and personal injuries."

"Can I fetch the warrant in about a month?"

"In a month? Why won't you take it at once?"

"Please, your honor, when my husband slapped my face I took my rolling pin and hit him on the head so that he had to be removed to the hospital. The doctors say, however, that he will be on his legs again in a month."

Discrediting an Astrologer.

A certain king, says a tale from the Persian, asked an astrologer, "How many years of life remain to me?" The wise man replied, "Ten." The king became very despondent and betook himself, as one stricken with a sickness, to his bed. His vizier, who possessed great wisdom, sent for the seer and in the king's presence asked him, "How many years have you to live?" He replied, "Twenty." The vizier ordered that he should that very hour be executed in the king's presence. The king was satisfied and commended the sagacity of his minister and no longer attached any importance to the astrologer's saying.

Getting Into German.

In the use of legal terms the German lawyer's gain in a saving of number of words over our equivalent expressions seems to be lost in multiplication of syllables in the words used by him. For example, he says "Zuruckbehaltungsrecht" for "right of lien" and "gesammtgutsverbindlichkeiten" for "liabilities of common property." What an awful word he must have as an equivalent for our "imprescriptibility."—Docket.

Rung In an Actor.

"How did you enjoy the vaudeville performance?"

"It was good. They had performing cats, a baseball player, a champion pugilist, a trained cockatoo, and, I give you my word, they even had an actor doing a turn."—Louisville Courier-Journal.

The Fanciest Ever.

New Boarder—Haven't you got any fancy dishes here? Rural Landlord—Sure thing. Mame, bring the gentleman that mustache cup your grandfather used to use.—Puck.

A Way They Have.

People are forever striving to get things for nothing and then failing to appreciate them because they didn't cost anything.—Chicago Record-Herald.

HIS DOLLAR BILL.

His Charitable Endeavor Was Not Appreciated, and the Bill Was Pocketed by Another.

Diplomacy doesn't always work, as a certain kind hearted business man in West Philadelphia has just found out. He says that the lesson was cheap at the price, but at the same time he will employ more direct methods next time he wishes to play the philanthropist.

It happened on the subway the other night. He had just closed a real estate deal at considerable profit and was feeling very generous, so when he saw a poor woman in a threadbare dress carefully count out five pennies for her ticket and saw that it was the last money in her worn pocketbook he determined to help her. Of course it wasn't easy, but the man prides himself upon being a diplomat. So, crumpling a dollar bill up in his hand, he stooped over as if picking something up and then, holding it out to the woman, said:

"Madam, here is some money you dropped." He tried to smile significantly as he said it, but she didn't seem to understand and said simply:

"Tain't mine."

"You'd better take it," he said. "It isn't mine, and it was lying right by you."

The woman shook her head at first, then took it slowly out of his hand and looked at it gloatingly. The man smiled, well pleased with himself, but an instant later the woman, seeing a man looking down at the platform, rushed up and cried, "Was you looking for a dollar bill?"

"I sure was," answered the man promptly.

"Well, here it is," said the woman, and the man with a delighted "Oh, thanks!" calmly pocketed the sum and walked away.—Philadelphia Times.

FIRE EATERS.

The Trick of Breathing Flames and Sparks From the Mouth.

Fire tricks were practiced in very ancient times. The first known fire breather was a Syrian slave named Eunus, a leader in the Servile war in Sicily, 130 B. C. He pretended to have immediate communication with the gods. When desirous of inspiring his followers with courage he breathed flames and sparks from his mouth.

In order to accomplish this feat Eunus pierced a nutshell at both ends, and, having filled it with some burning substance, he put it in his mouth and breathed through it. The same trick is performed today in a more approved manner. The performer rolls some flax or hemp into a ball about the size of a walnut, which he lets burn until it is nearly consumed. Then he rolls around it more flax while it is still burning. By this means the fire is retained in the ball for a long time. He slips this ball into his mouth unperceived and breathes through it. His breath revives the fire, and he sustains no injury so long as he inhales only through his nostrils.

Various theories have been advanced to account for other feats of this sort performed by the ancients. An old ordeal was the holding of a redhot iron by the accused, who was not burned if he were innocent. Probably some protective paste was used on the hands. The peculiar property of mineral salts, such as alum, in protecting articles of dress from fire has long been known. An old Milanese devised a costume consisting of a cloth covering for the body which had been steeped in alum. A metallic dress of wire gauze was added to this, and thus protected a man might walk on hot iron.—Harper's.

London's Dramatic Censors.

London has had its absurd dramatic censors even if it cannot quite come up to Vienna. Colley Cibber in his autobiography tells us of one master of the revels who was responsible for the licensing of plays in those days expunging the whole first act of "Richard III." on the ground that the distresses of Henry VI. would remind weak people of King James, then living in France. In fact, Shakespeare has more than once been censored, for "King Lear" was inhibited during the illness of George III. George Colman when reader of plays banned the use of such words as angel and heaven.—London Chronicle.

To Make Him Sleep.

"Unfit for duty because of insomnia" was the record of a New York policeman for several weeks.

Inspector Byrnes sent for the man and gave him a little bit of advice, thus: "Tonight, about midnight, put on your uniform, belt, hat, revolver, take night stick in hand and go to some corner house. Lean against it, and lean against it hard, as if you were really on duty. You'll go to sleep, all right."—New York Tribune.

No Skill Required.

Litigant—Your fee is outrageous. Why, it's more than three-fourths of what I recovered. Lawyer—I furnished the skill and the legal learning for your case. Litigant—But I furnished the case. Lawyer—Oh, anybody can fall down a coal hole!—Boston Transcript.

Alarmed Her.

Servant—Heavens! I have knocked the big flowerpot off the window ledge and it struck a man on the head. Mistress—What! My beautiful majolica?—Fliegende Blatter.

We may forgive those who bore us. We cannot forgive those whom we bore.—La Rochefoucauld.

RUSSIA'S JESTER.

Balakireff Is the Joe Miller of the Muscovites.

HIS WIT TICKLES THE BEAR.

He Was the Court Fool That Many a Time Braved the Anger of Peter the Great—His Miracle of the Sword and a Wondrous Deed of Daring.

Every nation has its typical jester, around whom crystallize all the floating stories of a people. Thus England has its Joe Miller, Germany its Till Eulenspiegel, Italy its Punchinello, the orient its Nasreddin el Khoja and Russia its Balakireff. Like Joe Miller, the last was a real character, though not all the jokes credited to him were his own. Some were inventions of a later age; others were borrowed from the past. He shares the credit for many of the latter with Joe Miller and Eulenspiegel.

History records that Balakireff was the favorite jester of Peter the Great. Tradition represents him as the constant company of that czar, frequently exercising his wit at royal expense. One day, for example, a cousin of his had fallen under the czar's displeasure and was sentenced to death. Balakireff undertook to obtain a reprieve. The czar guessed his errand even before he opened his mouth.

"No!" he cried. "'Tis no use your coming here. I swear that I will not grant what you are going to ask!"

Balakireff dropped at once to his knees. "Peter Alexeivitch," he cried, "I pray you, put to death that scamp of a cousin of mine!"

Peter, thus caught in his own trap, had no choice but to laugh and send a pardon to the culprit.

On another occasion Balakireff asked that he might be enrolled among his master's domestic guards. Peter consented for the sake of the joke, but warned his jester that death was the penalty if any officer of the guards absented himself from his post or mislaid his sword. Then to test the volunteer he sent him up a flagon of wine to "moisten his commission." Balakireff, as was expected, drank to the intoxicating point. While he was sleeping off his debauch the czar himself crept into the room and carried off his sword from the scabbard. Balakireff, though badly scared, on awaking made shift to replace the missing weapon with his own wooden imitation of the guardsmen's sword. He was called to parade next morning, when Peter feigned hot indignation at the untidiness of one of the guards.

"Captain Balakireff," he cried at last, "draw your sword and cut off the head of that sloven!"

Balakireff cast his eyes up to heaven. "Oh, merciful God," he prayed, "grant that my sword may turn into wood before I use it on one of my own fellow soldiers!"

And, lo, when he unsheathed it the blade stood revealed as a wooden one. Peter laughed heartily at the knave's presence of mind and restored him to favor.

A more serious offense resulted in the banishment of the jester. "Never dare to appear again on Russian soil!" stormed the emperor. Judge then of Peter's surprise when, a week later, he beheld his old favorite coolly driving a cart past the palace.

"How dare you disobey me?" shouted the enraged monarch. "Did I not forbid you ever to show yourself on Russian soil?"

"Nay," replied Balakireff, "I have not disobeyed you. This is not Russian soil."

"How say you—not Russian soil?"

"Truly not. This cartload of earth on which I am sitting is Swedish soil. I dug it up in Finland only the other day."

Again the czar laughed uproariously and readmitted his buffoon to favor. Some historians add that when he heard the excuse he said, "If Finland be Swedish soil now it shall be Russian before long," a threat he was not slow to fulfill.

This story, however, was an old one long before the time of Balakireff. It forms the twenty-seventh adventure of Till Eulenspiegel, who is reputed to have died in 1350. Having offended the Duke of Lunenberg, Till was "forbidden the land." He purchased a shilling's worth of earth to fill his cart with, and, being duly challenged by the duke, he answered:

"My gracious lord, I am not in your land, but in mine own, wherein I do sit. I bought it of a boor for a shilling. And rightfully could he sell it, for from his forefathers he inherited it. So is this truly my land."

At the close of one of Czar Peter's campaigns Balakireff overheard some Russian officers boasting of exploits they had performed.

"Nay," he cried, "I can tell a better story than any of you." And, being pressed for the story, he continued:

"Never have I liked this modern way of fighting all in a body together. Surely it would be more manly for each to stand by himself. Therefore went I out alone in search of adventures. One day while reconnoitering near the enemy's outposts I espied a Swedish soldier lying on the ground. Before he could rise and give the alarm I rushed upon him and with one blow from my sword cut off his right foot."

"You fool!" cried one of his auditors. "Why did you not cut off his head?"

"So would I have done," retorted Balakireff, "except that somebody else had already done it."—Washington Star.